



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley Conference Center  
6421 Evers Road, Leon Valley, Texas 78238  
Tuesday, July 21, 2015

**MINUTES**

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The City Council of the City of Leon Valley, Texas met on the 7<sup>th</sup> day of July, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

**REGULAR CITY COUNCIL MEETING**

Mayor Riley called the Regular City Council Meeting to order at 7:05p.m. and asked Council Member David Jordan to lead the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Benny Martinez; David Jordan; and David Edwards. Council Member Monica Alcocer was excused due to vacation.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Patrick Bernal, Fire Chief Luis Valdez, Public Works Director Melinda Moritz, Police Chief Randall Wallace, Assistant Police Chief Ray Lacy, Economic Development Director Claudia Mora, Finance Director Vickie Wallace and Communications Director Darrick Green.

Mayor Riley asked if any of the Council Members wished to pull Items 3, 4, or 5 from the Consent Agenda for discussion. No items were pulled.

**Citizens to Be Heard and Time for Objections to the Consent Agenda.**

- Lawrence Orozco, 6758 Timberhill, spoke about traffic concerns he has with drivers not observing the STOP sign at Timberhill and Autumn Chase.
- Marsha Blackmore, 6639 S. Forest Haven, asked that the City look into a shed that her neighbor is building to see if it was permitted and compliant with City Code.
- Richard Blackmore, 6639 S. Forest Haven, asked the City to look into a boat that is parked in the driveway of 6703 Forest Haven to see if it was compliant with City Code. Mr. Blackmore also said that the renters at this same address have a tendency to not cut their lawn.

## **CONSENT AGENDA**

### **Approval of City Council Minutes. (S. Passailaigue)**

- a) June 20, 2015 Special City Council Meeting/Retreat
- b) July 07, 2015 Regular City Council Meeting

### **Approval of the Quarterly Investment Report for the quarter ended June 30, 2015. M&C #2015-07-21-01 (V. Wallace)**

### **Discussion and possible action on the appointment of Belinda Ealy to the Beautification Committee, Park Commission and Community Events Committee. M&C #2015-07-21-02 (S. Passailaigue)**

A motion was made by Council Member Benny Martinez seconded by Council Member David Jordan, to approve Consent Agenda Items #3 (June 20<sup>th</sup> and July 7<sup>th</sup> City Council Minutes) as presented, #4 (Quarterly Investment Report), and #5 (Resolution No. 15-023R Committee Appointment). Upon a vote of four (4) for and zero (0) against, with Council Member Alcocer being excused, Mayor Riley announced the motion carried.

### **City Manager's Report:**

- a) **Community Development Block Grant Program (CDBG)**
- b) **Department Reports**
- c) **Approved Minutes from Boards, Commissions and Committees**
- d) **Future Agenda Items:**
  - o **Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project**
  - o **Huebner Well Project Request for Proposals (RFP)**

Interim City Manager Hank Brummett informed the City Council and guests that the City has received a Community Development Block Grant (CDBG) in the amount of \$175,000. The City plans to use this grant for a Timberhill Drive and Huebner Road drainage improvement project.

## **REGULAR AGENDA**

### **Beautification Committee Report.**

Beautification Committee Secretary Donna Charles presented a report on behalf of the committee. Secretary Charles discussed the top ten code violations as well as a beautification program where businesses may apply for assistance for potted plants in an effort to beautify Bandera Road.

City Attorney Patrick Bernal offered to draft a policy as well as an application for City Council consideration at the next Council meeting.



**Presentation by James Lee on the revised distribution policy of the Echo.**

James Lee and Steven Whittaker of the Helotes Echo gave a presentation on the revised distribution policy of the Echo. Mr. Lee said that the Echo reaches 24,000 people and their Facebook page has approximately 1000 views a day. Citizens may either subscribe for delivery of the paper or subscribe for online delivery.

**DISCUSSION AGENDA****San Antonio Water System (SAWS) Recycled Water and Sewer Easements and Property Requests. M&C #2015-07-21-03 (M. Moritz)**

Public Works Director Melinda Moritz presented the item as a part of two SAWS projects: Huebner Creek, LC-17, Phase III & W-2 Huebner Creek sewer and recycled water main replacement project. SAWS is requesting the City grant several permanent and temporary easements for replacement and relocation of sewer and recycled water mains. These easements are to be located in Huebner Creek, from NW Little League, down Poss Rd, and then in the creek bed to the city limits. SAWS is willing to pay the City for the easements in the amount of \$82,274. The proposed easements along Huebner Creek would not hinder future development or flood remediation, as they are to be bored underground and run under the small pavilion on Poss Road, and under the bleachers in Raymond Rimkus Park, then cross over Evers Road to run in the creek bed to the city limits. SAWS would draft an agreement reflecting the fact that there are existing encroachments and that the City would have the right to rebuild these improvements if they were to be destroyed. The document would also state that any future flood remediation of Huebner Creek would be allowed with coordination between the City, SAWS, San Antonio River Authority, and Bexar County Flood Control. In order to complete their portion of the Bexar County Flood Control LC-17 Phase III project, SAWS needs an easement in Lot 101 in 6500 block of Bandera Rd., owned by Jester Investments, Inc, located adjacent to an existing SAWS property. The lot fronts Bandera Road on the southwest side of the Bandera Road bridge and is 1.002 acres in size. The property owner has refused to grant an easement to SAWS and has stated that SAWS would have to purchase the entire property.

The list price is \$216,053 and the assessed value is \$49,800. SAWS has no use for the property, other than the easement and staff had mentioned that we might want an easement for the purpose of the Hike & Bike Trail. If SAWS purchases the whole property and then wants to sell it, they will have to request permission from City of San Antonio ("COSA"), and if COSA has no use for the property, then SAWS would be required to offer it for sale to the general public in a sealed bid process, which can take upwards of 6 months or longer. The LC-17 project is scheduled to start in the fall of this year. SAWS is offering to let the City purchase the property, using funds that would have been paid for the Huebner Creek easements. This would increase the payment for savings in time and potential litigation costs; then, both parties would pay the difference. In addition to this property, SAWS would also deed their existing Lot 100 property to the City (0.293 acres), which would bring the total acreage to 1.295 acres. Ms. Moritz concluded her presentation saying that the City's plan was to obtain an easement for the proposed Hike & Bike Trail through both of these lots, in order to bring the trail out from



under the Bandera Road bridge at an acceptable ADA slope; however, the property owner of Lot 101 has refused to grant such easement. The engineer for the Hike & Bike Trail project had put this segment of trail on hold, until such time as Bexar County Flood Control finalized their plans, to determine the second best alternative for trail placement. Both properties are located within the floodplain and are not suitable for development.

Patrick O'Connor and Corey Lime of San Antonio Water System were present to answer any questions or concerns.

- Henry Diecker, 6114 Britania Court, questioned parking in the area.
- Olen Yarnell, 7230 Sulky Lane, questioned the pavilion replacement.

There was a consensus among members of City Council to bring back the item for possible action on August 4<sup>th</sup>.

**Discussion and possible action on the approval to waive penalty and interest on property taxes for Tax Account 04429-100-0040 located at 6401 Bandera Road, Leon Valley, Texas owned by CJC Global Ministries. M&C #2015-07-21-04 (V. Wallace)**

Finance Director Vickie Wallace presented this item requesting that the City Council authorize the City Manager to waive the penalty in the amount of \$15,960.50 and interest in the amount of \$18,593.81 on Tax Account: 04429-100-0040 located at 6401 Bandera Road, Leon Valley Texas owned by CJC Global Ministries for property tax years 2008 - 2013. The requesting party applied for a refund of penalty and interest under Section 33.011 (a) (2) of the Texas Property Tax Code. In accordance with the Tax Code, the governing body may waive the penalties and may provide for the waiver of interest if: (1) the property is acquired by a religious organization; (2) the total tax, including late fees, are paid within one year after acquisition; and (3) the religious organization qualifies for an exemption pursuant to Section 11.20 of the Tax Code. According to the Bexar County Tax Assessor-Collector, each of the three requirements stated above were timely satisfied (see attached documents); therefore, it is the recommendation of the Bexar County Tax Assessor-Collector that penalty and interest be refunded. It has been verified that all the other taxing entities did waive the penalty and interest. Finance Director Wallace concluded the presentation saying that the waiver of penalty and interest is discretionary and Council may waive all or part of the penalty and interest.

A motion was made by Council Member David Jordan, seconded by Council Member Carmen Sanchez, to waive the penalty and interest on tax account: 04429-100-0040 located at 6401 Bandera Road, Leon Valley Texas owned by CJC Global Ministries for property tax years 2008 – 2013. Upon a vote of four (4) for and zero (0) against, with Council Member Alcocer being excused, Mayor Riley announced the motion carried.

**Discussion and possible action on an amendment to the Leon Valley Economic Development Corporation (LVEDC) Articles of Incorporation to allow members of City Council to serve on the LVEDC Board. M&C #2015-07-21-05 (C. Mora)**

Economic Development Director Claudia Mora presented the item for the purpose of City Council consideration and possible approval of a resolution that would amend the City of Leon



Valley Economic Development Corporation (LVEDC) Articles of Incorporation. The amendment would allow for the appointment of up to two (2) City Council members to the LVEDC Board of Directors. The resolution would also authorize the City Manager to file the Certificate of Amendment, including the amendment, with the Texas Secretary of State. Director Mora gave a brief background on the item saying that on March 3, 2009, the City Council approved and adopted articles of incorporation for the LVEDC under Resolution No. 09-006. The articles were amended by the LVEDC Board and, then, approved by the City Council on August 4, 2009 under Resolution No. 09-017. *Article Ten – Board of Directors; Officers* of the Articles of Incorporation provides for the appointment of a board of directors for the LVEDC. Currently, the LVEDC Board is composed of seven (7) directors who are residents of Bexar County. *Article Ten* requires that at least five (5) directors be residents of the city. Currently, six (6) of the directors are residents. In addition, the article specifically states that no director may be an employee or officer of the city or member of the Council. Section 501.302 gives the City Council the authority to amend the LVEDC Articles of Incorporation and provides the direction on filing amendments with the Texas Secretary of State. Once the Secretary of State's Office has issued a certificate evidencing the filing of the certificate of amendment, the amendment becomes effective and the certificate of formation or articles of incorporation is amended accordingly.

A motion was made by Council Member Benny Martinez, seconded by Council Member Carmen Sanchez, to accept the modifications to the Leon Valley Economic Development Corporation (LVEDC) Articles of Incorporation to allow up to two (2) City Council members to serve on the board. Upon a vote of four (4) for and zero (0) against, with Council Member Alcocer being excused, Mayor Riley announced the motion carried.

**Discussion and possible action on LVEDC FY 2015 Budget Adjustment to add \$160,000 of Previously Unbudgeted LVEDC Funds from the LVEDC's Fund Balance to the Contractual Services Budget of the Current Fiscal Year Budget. M&C #2015-07-21-06 (C. Mora)**

Economic Development Director Claudia Mora presented the item with the purpose seeking City Council approval to add \$160,000 of previously unbudgeted Leon Valley Economic Development Corporation (LVEDC) funds from the LVEDC's fund balance to the Contractual Services budget of the FY 2015 budget.

A motion was made by Council Member Carmen Sanchez, seconded by Council Member David Jordan, to postpone this item to the August 4<sup>th</sup> Council meeting with a more detailed analysis showing the correlation between the \$160,000 and the LVEDC net worth. Upon a vote of four (4) for and zero (0) against, with Council Member Alcocer being excused, Mayor Riley announced the motion carried.

**Upcoming Important Events:**

- a) **Coffee with the Mayor and City Council, July 25, 2015 from 9:00 a.m. – 11:00 a.m. at the Leon Valley Conference Center. Topic: CPS Energy Discussion of a Community Solar Program.**

**b) Texas Municipal League's Newly Elected City Officials Orientation – Round Rock, August 13<sup>th</sup>-14<sup>th</sup>**

Mayor Riley reminded everyone that the next Coffee with the Mayor and City Council will be held on Saturday, July 25<sup>th</sup> at the Conference Center. Mr. Raiford Smith from City Public Service (CPS) will be giving a presentation on solar energy.

**Citizens to be Heard.**

None

**Announcements by the Mayor and Council Members.**

Council Member David Edwards informed the members of City Council that he would not be able to attend the next Council meeting.

Mayor Riley asked for volunteers and directed them to the Office of the City Secretary for applications.

Mayor Riley also informed everyone that the next brush pick up is scheduled for September.

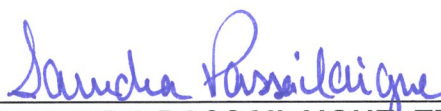
**Adjournment**

Mayor Riley announced the meeting adjourned at 8:55 p.m.

**These minutes approved by the Leon Valley City Council on the 4<sup>th</sup> of August, 2015.**

APPROVED

  
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**CHRIS RILEY**  
Mayor

ATTEST:   
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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

